

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 364
Title 14, California Code of Regulations (CCR)
Re: Elk

- I. Date of Initial Statement of Reasons: January 2, 2007
- II. Date of Pre-adoption Statement of Reasons: March 19, 2007
- III. Date of Final Statement of Reasons: April 25, 2007
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: February 2, 2007
Location: Monterey, California
 - (b) Discussion: Date: March 2, 2007
Location: Arcata, California
 - (c) Discussion: Date: April 13, 2007
Location: Bodega Bay, California
 - (d) Adoption Hearing: Date: April 25, 2007
Location: Teleconference
- V. Update:

The proposed regulatory action is made to enhance elk hunting opportunity and provide consistency in regulations for deer and elk regarding muzzle-loading only hunting tags. Although muzzle-loader deer tags are provided under current regulations, muzzle-loader elk tags are not. The proposal adds muzzle-loader only elk tags during the first period for the Bishop and Lone Pine hunt areas. The regulatory action also adds two new hunts, the Northwestern California Roosevelt Elk Hunt and the San Luis Reservoir Tule Elk Hunt. Harvest-related impacts to elk populations are contained within the 2007 Draft Environmental Document Regarding Elk Hunting.

Based on results of surveys contained in the "Data Supplement to The California Fish and Game Commission, Regarding: Recommended 2007 Elk Tag Ranges (Updated 2006 Elk Harvest and Population Estimates)", the Department recommended the following changes from 2006 for Elk tag quotas for 2007 as indicated in the initial proposal. Pursuant to its April 25, 2007 meeting, the Fish and Game Commission adopted the final Elk quotas as follows:

2007 Final Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Roosevelt Elk										
Siskiyou	15	15								
Del Norte	15		5							
Marble Mountains		40								
Marble Mtns Junior		2								
Klamath	10		10							
Big Lagoon		5								
Northwestern California (new)		10								
Rocky Mountain Elk										
Rocky Mtn Elk										
Northeastern		10						9		
Northeastern Junior		2								
Tule Elk										
Cache Creek	2		2							
Cache Creek Junior (New)			1							
La Panza										
Period 1	6		5							
Period 1 (Junior)			1							
Period 2	6		6							
Owens Valley										
Owens Valley (Region Wide)								5		
Bishop										
Period 1 (new) Muzzleloader					1	4	0			
Period 2 (new) Junior	4	0	0							
Period 3	4	0	1							
Period 4	4	0	0							
Period 5	4	0	0							
Independence										
Period 1 (new) Archery								0	0	1
Period 2 (new)	0	0	0							
Period 3	0	0	0							
Period 4	0	0	0							

2007 Final Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Period 5	0	0	0							
Lone Pine										
Period 1 (new) Muzzleloader					1	1	0			
Period 2 (new)	2	0	1							
Period 3	2	0	1							
Period 4	2	0	1							
Period 5	2	0	0							
Tinemaha & W. Tinemaha										
Period 1 (new) Archery								0	6	1
Period 2 (new)	9	0	1							
Period 3	9	0	1							
Period 4	9	0	1							
Period 5	9	0	1							
Grizzly Island										
Period 1	1			0						
Period 1 Junior	1			1						
Period 2	2		1	0						
Period 2 Junior				0						
Period 3	2		1	0						
Period 4	0									
Period 5	0									
Fort Hunter Liggett										
Archery Only								3	5	
Period 1	7									
Period 1 Junior	2									
Period 2	8									
Period 3			7							
Period 3 Junior			1							
East Park Reservoir										
Period 1			1							
Period 2			1							
Period 3	5									
San Luis Reservoir (new)	0	2	0							

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those Considerations:

Responses to public recommendations were included in the Initial Statement of Reasons as Responses to Public Recommendations for Changes in the Mammal

Hunting and Trapping Regulations Received by the Fish and Game Commission Between February 21, 2004 and February 2, 2007.

Additional responses and analysis to public comments received are included in the attached – Responses to Public Comments for Changes in the Mammal Hunting and Trapping Regulations Received by the Fish and Game Commission Between February 3, 2007 and April 13, 2007.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

1. Number of Tags

No alternatives were identified. Elk license tag quotas must be changed periodically in response to a variety of environmental and biological conditions.

2. Editorial Changes

There are no proposed changes.

(b) No Change Alternative:

1. Number of Tags

Periodic adjustment in tag numbers is necessary to attain project objectives of optimizing hunting opportunities while maintaining elk populations at desired levels, consistent with biological/environmental conditions. Management plans specify desired sex and age ratios which are attained or maintained in part by periodically modifying tag

quotas. The no change alternative was selected for the Owens Valley Region-wide archery only either-sex tule elk hunt.

2. Editorial Changes

No editorial changes were made

- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective, and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The proposed action adjusts tag quotas for existing hunts, adjusts hunt boundaries, and establishes new hunts. Given the number of tags available and the area over which they are distributed, the proposal is economically neutral to business.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business: None
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

Updated Informative Digest (Policy Statement Overview)

Existing regulations specify elk license tag quotas for each hunt. It is necessary to adjust quotas periodically in response to dynamic environmental and biological conditions and to provide additional hunting opportunity, where warranted. The original proposal provided a series of tag ranges for the Commission to select and adopt.

2007 Final Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Roosevelt Elk										
Siskiyou	15	15								
Del Norte	15		5							
Marble Mountains		40								
Marble Mtns Junior		2								
Klamath	10		10							
Big Lagoon		5								
Northwestern California (new)		10								
Rocky Mountain Elk										
Rocky Mtn Elk										
Northeastern		10						9		
Northeastern Junior		2								
Tule Elk										
Cache Creek	2		2							
Cache Creek Junior (New)			1							
La Panza										
Period 1	6		5							
Period 1 (Junior)			1							
Period 2	6		6							
Owens Valley										
Owens Valley (Region Wide)								5		
Bishop										
Period 1 (new) Muzzleloader					1	4	0			
Period 2 (new) Junior	4	0	0							
Period 3	4	0	1							
Period 4	4	0	0							

2007 Final Elk Tag Allocation

Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Period 5	4	0	0							
Independence										
Period 1 (new) Archery								0	0	1
Period 2 (new)	0	0	0							
Period 3	0	0	0							
Period 4	0	0	0							
Period 5	0	0	0							
Lone Pine										
Period 1 (new) Muzzleloader					1	1	0			
Period 2 (new)	2	0	1							
Period 3	2	0	1							
Period 4	2	0	1							
Period 5	2	0	0							
Tinemaha & W. Tinemaha										
Period 1 (new) Archery								0	6	1
Period 2 (new)	9	0	1							
Period 3	9	0	1							
Period 4	9	0	1							
Period 5	9	0	1							
Grizzly Island										
Period 1	1			0						
Period 1 Junior	1			1						
Period 2	2		1	0						
Period 2 Junior				0						
Period 3	2		1	0						
Period 4	0									
Period 5	0									
Fort Hunter Liggett										
Archery Only								3	5	
Period 1	7									
Period 1 Junior	2									
Period 2	8									
Period 3			7							
Period 3 Junior			1							
East Park Reservoir										
Period 1			1							
Period 2			1							
Period 3	5									
San Luis Reservoir	0	2	0							

2007 Final Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
(new)										